



THE COMMONWEALTH OF MASSACHUSETTS
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March 15, 2002

Sent via e-mail, hand delivery and/or U.S. Mail

Mary Cottrell, Secretary
Department of Telecommunications and Energy
One South Station, 2nd Floor
Boston, MA 02110

Re: Network Plus, Inc. Investigation, D.T.E. 02-15

Dear Secretary Cottrell:

The Attorney General submits this letter as his Reply Brief to address issues raised by XO Communications, Inc. ("XO"). The Attorney General reiterates his position that the Department of Telecommunications and Energy ("Department") should reject any request by Network Plus, Inc. ("Network Plus" or "Company") to shorten the Department's required sixty-day notice for termination of service, and that health, safety, and welfare customers be given priority during the transfer of their accounts.

The telecommunications industry has experienced a number of bankruptcies recently. The customers of these bankrupt companies are at risk that their service will be interrupted or terminated before a new service provider can be found. In its brief, XO suggested that the Department adopt the Mass Migration Guidelines recently approved by the New York State Public Service Commission which establish a mandatory process to migrate customers from the existing carriers to a new carrier.¹ XO Initial Brief, p. 2. While XO's meritorious suggestion is beyond the scope of this investigation, the

¹ New York State Public Service Commission, *Proceeding on Motion of the Commission to Examine the Migration of Customers Between Local Carriers*, Case 00-C-0188, Order Adopting Mass Migration Guidelines (effective December 4, 2001) ("Guidelines").

Company's experience does highlight the need for a Massachusetts customer migration policy.

Therefore, the Attorney General requests that the Department open a generic investigation into the adoption of mandatory procedures to govern the migration of customers from telecommunications providers who go out of business, file for bankruptcy, or otherwise terminate service in some or all markets in the Commonwealth. The goal of the procedures should be to provide customers of a carrier that is discontinuing its local exchange services the opportunity to migrate to another local exchange carrier without a service interruption. Customers should receive adequate notice as far in advance as possible for a timely transition to a new carrier. Accordingly, the Department should open a new docket to consider customer migration policies and procedures.

Sincerely,

Karlen J. Reed
Wilner Borgella, Jr.
Assistant Attorneys General
Utilities Division

KJR/kr

Enc.

cc: Paula Foley, Hearing Officer (w/4 copies)
D.T.E. 02-15 Service List (w/enc.)

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

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Investigation by the Department of Telecommunications)	
and Energy on its own Motion pursuant to G.L. c. 159,)	D.T.E. 02-15
§§ 12 and 16, into the regulations, practices, equipment,)	
appliances and service of Network Plus, Inc.)	
)	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding by e-mail and either hand-delivery or U.S. mail.

Dated at Boston this 15th day of March 2002.

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